

Remarks

Applicants request reconsideration of the above-referenced patent application.

I. Claim Amendments

Applicants have amended claim 27 to more clearly define the recited invention, and have added new claims 28-35. Applicants submit that the amendments and new claims do not introduce any new matter. Specifically:

Claim 27 has been amended to list both "A" definitions together. Applicants submit that this makes claim 27 easier to read.

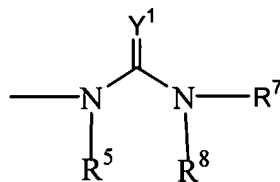
The variable "R⁷" is defined differently for each "A" structure in claim 27. To make claim 27 easier to read, the "R⁷" in the second "A" structure has been replaced with "R^{7A}". The text definitions for the "R⁷" in the second "A" structure have been amended accordingly.

Other amendments to claim 27 rephrase the terminology, remove redundancies or unnecessary terms, or correct grammatical or obvious errors. Applicants submit that such amendments are permissible under MPEP §2163.07.

New claim 28 is directed to compounds having a structure corresponding to Formula II. This claim is supported by Applicants' specification at, for example, page 10, lines 12-16.

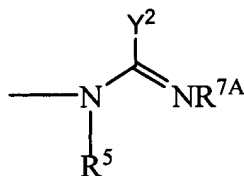
New claim 31 is directed to compounds having a structure corresponding to Formula III. This claim is supported by Applicants' specification at, for example, page 10, lines 22-27.

New claims 29, 32, and 34 are directed to compounds wherein A is:



These claims are supported by Applicants' specification at, for example, page 4, lines 32-35.

New claims 30, 33, and 35 are directed to compounds wherein A is:



These claims are supported by Applicants' specification at, for example, page 7, line 28.

Applicants reserve the right to pursue any canceled subject matter and/or any other subject matter disclosed in this application in one or more later-filed divisional and/or continuation applications.

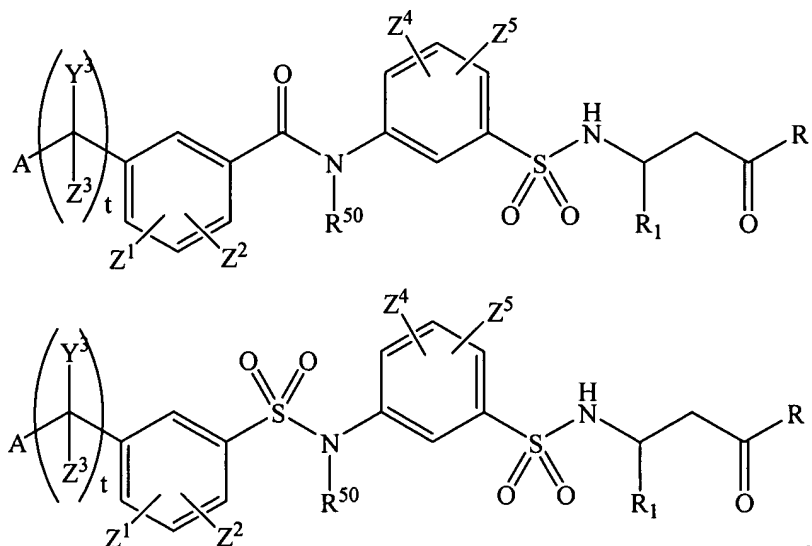
II. Response to non-statutory double patenting rejection of claim 27

Claim 27 has been rejected under the judicially-created doctrine of double patenting in view of claim 5 in U.S. Patent No. 6,677,308. Applicants submit that this rejection is premature because claim 27 (and the new claims) has not yet been found to be otherwise allowable. Applicants will file a terminal disclaimer (to the extent necessary) once the claim(s) in this application have been found to be otherwise allowable.

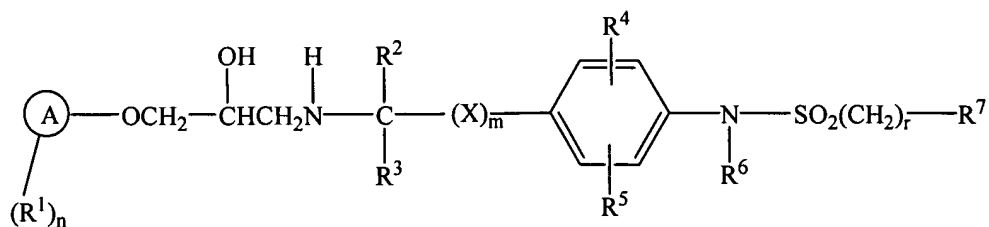
III. Response to obviousness rejection of claim 27

Claim 27 has been rejected under 35 U.S.C. §103(a) as being obvious in view of Fisher et al. (U.S. Patent No. 5,451,677). Applicants request withdrawal of this rejection.

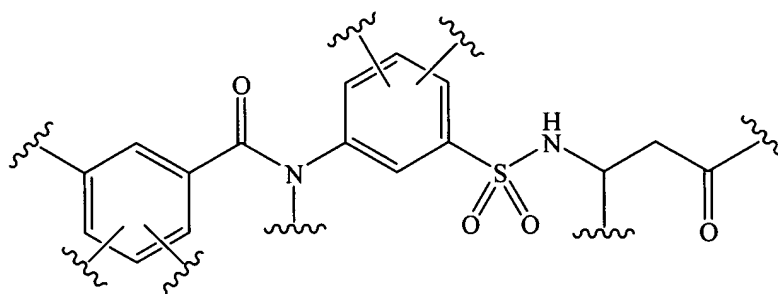
Claim 27 is directed to a method using a compound corresponding in structure to one of the following formulas:



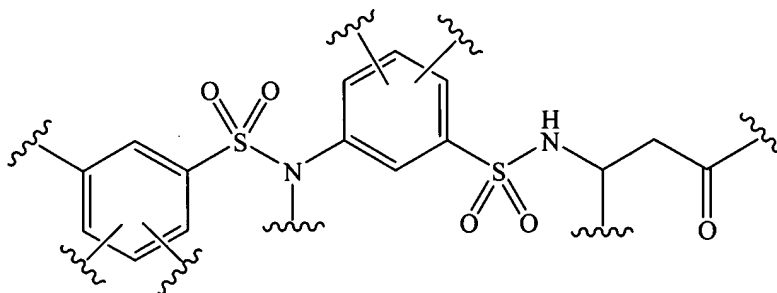
In contrast to the compounds recited in claim 27, the compounds discussed by Fisher et al. reportedly correspond in structure to the following formula:



The Office action states that the compounds in both claim 27 and Fisher et al. have a substituted phenyl sulfonamide, and that Fisher et al. teach all but the meta substitution of the compounds in claim 27. Applicants submit that this is incorrect. The compounds recited in claim 27 have, for example, either a phenylcarbonylamino phenylsulfonaminoethylcarbonyl core or a phenylsulfonamino phenylsulfonaminoethylcarbonyl core:



PHENYLCARBONYLAMINOPHENYLSULFONYLAMINOETHYLCARBONYL CORE



PHENYLSULFONYLAMINOPHENYLSULFONYLAMINOETHYLCARBONYL CORE

Fisher et al. simply fail to teach or suggest either core. Thus, Fisher et al.'s disclosure cannot support a *prima facie* showing of obviousness. See M.P.E.P. §706.02(j) (a claim cannot be rejected under 35 U.S.C. §103 unless there is a *prima facie* showing of obviousness, which requires that all the claim limitations be taught or suggested by the cited references). Moreover, Fisher et al. discuss a large genus of compounds. Even if the compounds in claim 27 did somehow overlap with Fisher et al.'s discussion, claim 27 still cannot be *prima facie* obvious

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unless Fisher et al. provide motivation to specifically select a compound of claim 27 over any compound in the genus discussed by Fisher et al. As stated in MPEP §2144.08(II)(A)(4):

Office personnel should determine whether one of ordinary skilled in the art would have been motivated to make the claimed invention as a whole, *i.e.*, to select the claimed species or subgenus from the disclosed prior art genus.

(emphasis added). Fisher et al.'s disclosure fails to provide any such motivation. Thus, claim 27 cannot be obvious in view of Fisher et al.

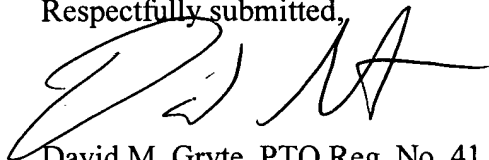
New claims 28-35 directly or indirectly depend from claim 27, and are therefore patentable over the cited reference for at least the same reasons as claim 27.

* * * * *

Applicants hereby request a 3-month extension to respond to the October 13, 2004 Office action. Applicants have enclosed a check to cover the fee for the extension. Applicants believe that they do not owe any additional fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **08-0750**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **08-0750**.

Applicants submit that the pending claims are in condition for allowance, and request that this application be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service on **April 7, 2005** with sufficient postage as first class mail (including Express Mail per MPEP §512), and addressed to **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450**.

A handwritten signature, likely "DMG/PML", written in black ink over a horizontal line.

DMG/PML